

REMARKS/ARGUMENTS

In the Office Action mailed May 30, 2008, claims 1, 2, and 8 were rejected. Additionally, claims 6 and 7 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant hereby requests reconsideration of the application in view of the proposed amendments and the below-provided remarks. Applicant submits that the proposed amendments place the present application in condition for allowance or in better condition for appeal.

For reference, claims 1, 2, and 6-8 are canceled. Claims 22-30 were added. In particular, claim 22 recites limitations related to the subject matter previously recited in claims 1, 2, and 6. Claims 23-26 depend from claim 22 and recite limitations related to the subject matter previously recited in claims 5 and 7-9. Claim 27 recites limitations related to the subject matter previously recited in claims 1, 2, and 7. Claims 28-30 recite limitations related to the subject matter previously recited in claims 5, 8, and 9.

Allowable Subject Matter

Applicant appreciates the Examiner's review of and determination that claims 6 and 7 recite allowable subject matter. In particular, the Office Action states that claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additionally, Applicant appreciates the Examiner's review of and determination that claims 11-16, and 17-21 recite subject matter that is allowable over the prior art of record.

Additionally, Applicant submits that claims 22-30 are patentable over the prior art because claims 22-30 are written to include the allowable subject matter previously claimed in claims 6 and 7, which are canceled.

Objections to the Specification

The Office Action suggests that section subheadings be added to the specification, according to the guidelines set forth in the MPEP. Applicant notes that the suggested section subheadings are not required and, hence, Applicant respectfully declines to amend the specification to include the indicated section subheadings.

Additionally, the Office Action suggests that “d_{medium}” be inserted between “layer” and “having” in the paragraph beginning on page 3, line 16, for description clarity. The specification is amended according to the Examiner’s suggestion.

Additionally, the Office Action suggests that correction is required to provide further elaboration as to the specific features depicted in Fig. 3. Applicant respectfully submits that the previously amended description of Fig. 3 is sufficient as it is currently presented. Moreover, in the absence of a specific showing of deficiency of the current description, there does not appear to be any statutory or regulatory basis for the request for further elaboration. Hence, Applicant respectfully declines to amend the specification to include further elaboration.

Claim Rejections under 35 U.S.C. 103

Claims 1, 2, and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Komazaki et al. (U.S. Pat. No. 5,124,675) in view of Saitoh et al. (U.S. Pat. No. 4,352,076). However, Applicant respectfully submits that this rejection is moot in view of the current amendments.

New Claims

New claims 22-30 include allowable subject matter of claims 6 and 7. Applicant respectfully asserts claims 22-30 are patentable over and not anticipated by the cited references because the cited references, either alone or in combination, do not disclose or teach all of the limitations of the claims.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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